

## **REMARKS**

Claims 1-12 were pending in the application. Claims 1, 3, 5 and 8-11 are being canceled. Claims 2, 4 and 6 are being amended. Support for the amendments can be found in the description, on page 8, lines 12-14.

### ***Priority under 35 U.S.C. § 119***

Applicant notes that the Examiner acknowledged a claim for foreign priority under 35 U.S.C. § 119 to Polish Patent Application No. P-356280 filed September 25, 2002 and confirmed that all certified copies of the priority documents have been received.

### ***IDS***

Applicant notes with appreciation that the Examiner has considered the information disclosure statement (IDS) submitted on September 24, 2004.

All outstanding requirements will now be addressed in the order they appear in the Office Action mailed October 3, 2007.

### ***Objection to the Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the subject matter of claim 6. Claim 6 has been amended by deleting the limitation “the list is formed as separate lists for each day, containing an unlimited number of records, where time is stated as an hour alone” obviating the Examiner’s objection.

### ***Claim Rejections – 35 USC § 112***

2-3. Claim 6 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claim 6 has been amended by deleting the limitation “the list is

formed as separate lists for each day, containing an unlimited number of records, where time is stated as an hour alone” obviating the Examiner’s rejection.

***Claim Rejections – 35 USC § 103***

**4-5.** Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. US2003/0163817 (US`817) to Han in view of US Patent No. 5,438,377 (US`377) to Chang. Claim 1 has been canceled rendering this rejection moot.

**6.** Claims 2 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Han in view of US Patent No. 5,801,747 (US`747) to Bedard.

Applicant has amended claim 2 by limiting the database to store information related to a channel viewed last on a particular time of a particular day of the week and by limiting the step of searching for, selecting and setting the channel to be displayed to the channel viewed last.

Han discloses a method in which, at the time of switching the set on, the channel viewed most often on the day of the week and at the time of switching the set on is searched for, selected and set to be displayed (steps 402-405 of Fig. 4 and 503-508 of Fig. 5). Channel viewing ratings are read from the preference channel information table (Fig. 7). The preference channel information table stores information about all channels viewed at a particular time of a particular day for a minimum viewing time (para. [0035]).

In contrast, the method claimed in claim 1 involves searching for, selecting and setting to be displayed the channel viewed last on the day of the week and at the time of switching the set on. This requires the databases related to channel viewing to store only data about channel viewed last on a particular time of a particular day of the week, which involves much lower memory requirements than the method disclosed by Han. Moreover, such solution allows the method to adapt more quickly to user habits – for example, if the user changes the viewing preferences, the method proposed by Han would require a number of viewings of the new

channel to occur at a particular time in order to gain sufficient rating to become the uppermost channel.

Bedard discloses a method for creating a television viewer profile, directed to determining the favorite channels over a long period of time. In the method disclosed by Bedard, a viewer profile array (Fig. 2) is created, which stores data on the total time of viewing particular channels or types of programs. Therefore, the method disclosed by Bedard does not relate to storing information related to a channel viewed last on a particular time of a particular day. Therefore, the Applicant submits that the currently amended claim 2 is patentable over Han in view of Bedard.

7. Claims 3, 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Han and Bedard as applied to claim 2 above, and further in view of US Patent No. 6,499,138 (US`138) to Swix et al.

Applicant has canceled claims 3 and 5 and amended claim 4.

Claim 4 has been amended by limiting the data about channel viewed last to be stored jointly for workdays and/or jointly for weekends. Support for this amendment can be found in the description, on page 8, lines 12-14.

Han discloses a preference channel information table (Fig. 7) which stores viewing ratings for each hour at each day of the week. Such data, although very detailed and allowing precise selection of favorite channel at a particular time of a particular day of the week, requires lot of data to be gathered.

In contrast, the present claim 4 relates to storing viewing ratings jointly for workdays (i.e., Monday to Friday) and/or jointly for weekends. The amount of data necessary to be collected for workdays in order to achieve a similar accuracy of selection of favorite channel is thus decreased 5 times for workdays and 2 times for weekends. Such solution is not taught or

suggested by Han. Similarly, it is not taught or suggested by Bedard or Swix. Therefore, Applicant submits that the currently amended claim 4 is patentable over Han and Bedard in view of Swix.

**8-9.** Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Han and Bedard as applied to claim 7 above, and further in view of US Publication No. 2002/0104081 (US'081) to Candelore et al. whereas claims 9, 10, 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Han and Bedard as applied to claim 7 above, and further in view of US Patent No. 7,047,548 (US'548) to Bates et al.

Claims 8-11 have been canceled rendering these rejections moot.

**10.** Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Han and Bedard as applied to claim 2 above, and further in view of US Patent No. 5,438,377 (US'377) to Chang.

Applicant respectfully requests reconsideration and withdrawal of the rejection with respect to claim 12 in view of its dependence on the currently amended claim 2 and the arguments presented in respect to claim 2.

***CONCLUSION***

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Should an extension of time be required, Applicant hereby petitions for same and requests that the extension fee and any other fee required for timely consideration of this submission only be charged to **Deposit Account No. 503182**.

Customer Number: **33,794**

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Respectfully Submitted,

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